

## REMARKS

In accordance with the foregoing, claims 1-4, 8-12, 16-19, 22-27 and 30-40 are pending and under consideration.

### Rejection of Claims 1-4, 9-12, 17-19, 25-27 and 33-36 Under 35 U.S.C. §102(b)

The Office Action rejects claims 1-4, 9-12, 17-19, 25-27 and 33-36 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0114243 to Ohta. This rejection is respectfully traversed.

Ohta does not disclose, teach, or suggest at least, "A method of recording data, the method comprising: recording the data on an optical disc that is rotating at a predetermined constant angular velocity...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 1.

Item 2 on page 2 of the Office Action asserts, "Regarding claim 1, Ohta discloses a method of recording data, the method comprising: recording the data on an optical disc that is rotating at a predetermined constant angular velocity (page 2, paragraphs 0043-0044- Examiner notes that this rotation speed is inherently CAV, although not specifically disclosed since the apparatus is solving the same problem as the current invention;..." This assertion is respectfully traversed. Since there are other types of rotation speeds of optical discs such as constant linear velocity (CLV), the rotation speed of an optical disc can not inherently be constant angular velocity (CAV).

Further, in Ohta, a rotation speed of an optical disc is lowered unrelated to an extent of the data recording error, and the rotation speed of the optical disc is not lowered by two levels according to the extent of the data recording error.

In contrast, claim 1 recites "A method of recording data, the method comprising: recording the data on an optical disc that is rotating at a predetermined constant angular velocity...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 1. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited reference.

Claims 2-4 depend from claim 1 and include all of the features of claim 1. Therefore, for at least these reasons, claims 2-4 are patentably distinguishable from the cited reference.

Similarly, Ohta does not disclose, teach, or suggest at least, "A method of reproducing data, the method comprising: reproducing the data from an optical disc that is rotating at a predetermined constant angular velocity;...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 9. Therefore, for at least these reasons, claim 9 is patentably distinguishable from the cited reference.

Claims 10-12 depend from claim 9 and include all of the features of claim 9. Therefore, for at least these reasons, claims 10-12 are patentably distinguishable from the cited reference.

Similarly, Ohta does not disclose, teach, or suggest at least, "An apparatus for recording data, the apparatus comprising: a motor driver which controls a motor which rotates an optical disc at a constant angular velocity;...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 17. Therefore, for at least these reasons, claim 17 is patentably distinguishable from the cited reference.

Claims 18-19 depend from claim 17 and include all of the features of claim 17. Therefore, for at least these reasons, claims 18-19 are patentably distinguishable from the cited reference.

Similarly, Ohta does not disclose, teach, or suggest at least, "An apparatus for reproducing data, the apparatus comprising: a motor driver which controls a motor which rotates an optical disc at a constant angular velocity;...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 25. Therefore, for at least these reasons, claim 25 is patentably distinguishable from the cited reference.

Claims 26-27 depend from claim 25 and include all of the features of claim 25. Therefore, for at least these reasons, claims 26-27 are patentably distinguishable from the cited reference.

Similarly, Ohta does not disclose, teach, or suggest at least, "A method of recording and/or reproducing data, the method comprising: at least one of: recording the data on an optical disc that is rotating at a predetermined constant angular velocity, and reproducing the data from an optical disc that is rotating at a predetermined constant angular velocity;... wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 33. Therefore, for at least these reasons, claim 33 is patentably distinguishable from the cited

reference.

Claims 34-36 depend from claim 33 and include all of the features of claim 33. Therefore, for at least these reasons, claims 34-36 are patentably distinguishable from the cited reference.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 8, 16, 22-24 and 30-32 Under 35 U.S.C. §103(a)

The Office Action rejects claims 8, 16, 22-24 and 30-32 under 35 U.S.C. §103(a) as being unpatentable over Ohta in view of U.S. Patent No. 7,092,334 issued to Choi et al. (hereinafter referred to as "Choi"). This rejection is respectfully traversed.

Ohta and Choi, taken separately or in combination, does not disclose, teach, or suggest at least, "A method of recording data, the method comprising: recording the data on an optical disc that is rotating at a predetermined constant angular velocity... wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 1. Choi does not cure the deficiencies of Ohta. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited references.

Claim 8 depends from claim 1 and includes all of the features of claim 1. Therefore, for at least these reasons, claim 8 is patentably distinguishable from the cited references.

Ohta and Choi, taken separately or in combination, does not disclose, teach, or suggest at least, "A method of reproducing data, the method comprising: reproducing the data from an optical disc that is rotating at a predetermined constant angular velocity;... wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 9. Choi does not cure the deficiencies of Ohta. Therefore, for at least these reasons, claim 9 is patentably distinguishable from the cited references.

Claim 16 depends from claim 9 and includes all of the features of claim 9. Therefore, for at least these reasons, claim 16 is patentably distinguishable from the cited references.

Ohta and Choi, taken separately or in combination, does not disclose, teach, or suggest at least, "An apparatus for recording data, the apparatus comprising: a motor driver which controls a motor which rotates an optical disc at a constant angular velocity;... wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim

17. Choi does not cure the deficiencies of Ohta. Therefore, for at least these reasons, claim 17 is patentably distinguishable from the cited references.

Claims 22-24 depend from claim 17 and includes all of the features of claim 17. Therefore, for at least these reasons, claims 22-24 are patentably distinguishable from the cited references.

Similarly, Ohta and Choi, taken separately or in combination, do not disclose, teach, or suggest at least, "An apparatus for reproducing data, the apparatus comprising: a motor driver which controls a motor which rotates an optical disc at a constant angular velocity;...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 25. Therefore, for at least these reasons, claim 25 is patentably distinguishable from the cited references.

Claims 30-32 depend from claim 25 and include all of the features of claim 25. Therefore, for at least these reasons, claims 30-32 are patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 37-40 Under 35 U.S.C. §103(a)

The Office Action rejects claims 37-40 under 35 U.S.C. §103(a) as being unpatentable over Ohta in view of Applicant Admitted Prior Art (hereinafter referred to as "AAPA"). This rejection is respectfully traversed.

Ohta and Applicant Admitted Prior Art, taken separately or in combination, does not disclose, teach, or suggest at least, "A method of recording data, the method comprising: recording the data on an optical disc that is rotating at a predetermined constant angular velocity...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 1. Applicant Admitted Prior Art does not cure the deficiencies of Ohta. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited references.

Claim 37 depends from claim 1 and includes all of the features of claim 1. Therefore, for at least these reasons, claim 37 is patentably distinguishable from the cited references.

Ohta and Applicant Admitted Prior Art, taken separately or in combination, does not disclose, teach, or suggest at least, "A method of reproducing data, the method comprising:

reproducing the data from an optical disc that is rotating at a predetermined constant angular velocity;...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 9. Applicant Admitted Prior Art does not cure the deficiencies of Ohta. Therefore, for at least these reasons, claim 9 is patentably distinguishable from the cited references.

Claim 38 depends from claim 9 and includes all of the features of claim 9. Therefore, for at least these reasons, claim 38 is patentably distinguishable from the cited references.

Ohta and Applicant Admitted Prior Art, taken separately or in combination, does not disclose, teach, or suggest at least, "An apparatus for recording data, the apparatus comprising: a motor driver which controls a motor which rotates an optical disc at a constant angular velocity;...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 17. Applicant Admitted Prior Art does not cure the deficiencies of Ohta. Therefore, for at least these reasons, claim 17 is patentably distinguishable from the cited references.

Claim 39 depends from claim 17 and includes all of the features of claim 17. Therefore, for at least these reasons, claim 39 is patentably distinguishable from the cited references.

Similarly, Ohta and Applicant Admitted Prior Art, taken separately or in combination, do not disclose, teach, or suggest at least, "An apparatus for reproducing data, the apparatus comprising: a motor driver which controls a motor which rotates an optical disc at a constant angular velocity;...wherein the adjusted constant angular velocity is one step or two steps lower than the predetermined constant angular velocity, according to an extent of the data recording error," as recited in claim 25. Therefore, for at least these reasons, claim 25 is patentably distinguishable from the cited references.

Claim 40 depends from claim 25 and includes all of the features of claim 25. Therefore, for at least these reasons, claim 40 is also patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

#### Summary

Claims 1-4, 8-12, 16-19, 22-27 and 30-40 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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